

June 16, 2014

Executive Secretary Gary Shinnars  
National Labor Relations Board  
1099 14th Street N.W.  
Washington, D.C. 20570

Re: McKenzie Willamette Regional Medical Center Associates, LLC  
Case Nos. 19-CA-077096 et al . . . . .

Dear Mr. Shinnars:

I represent McKenzie-Willamette Regional Medical Center Associates, LLC d/b/a McKenzie-Willamette Medical Center (hereafter, the “Hospital”) as the Respondent in the above-referenced cases and write to notify the Board of supplemental authority in support of the Exceptions that the Hospital filed with the Board on July 8, 2013 in response to the Decision issued in these cases by ALJ Gerald Etchingham on June 3, 2013.

On May 5, 2014, the National Labor Relations Board affirmed the ruling of Administrative Law Judge William Nelson Cates in *Ethicon, A Johnson & Johnson Co. & Local 630, New York New Jersey Reg’l Joint Bd., Workers United, SEIU*, 360 NLRB No. 104. In dismissing the allegation that *Ethicon* violated Section 8(a)(5) by refusing to provide the Union with certain information, the ALJ held, *inter alia*, that the information was not relevant for the purpose of the Union putting together a negotiating plan because there were no ongoing contract negotiations and the parties’ collective-bargaining agreement would not expire for an additional two years. *Id.*, slip op. at 14.

This Decision applies to pages 21-22 of the Hospital’s July 8, 2013 Brief in Support of Exceptions, where it was argued that, amongst other problems, the Union’s request for information for the purpose of negotiating a new CBA was premature because negotiations were roughly a year away. This is the same conclusion the Board came to, by adoption of the ALJ’s findings, in *Ethicon* when it noted that the Union had not “raised concerns related to timely contract negotiations that would trigger an obligation on the part of the Company to supply the requested information . . .” *Ethicon*, 360 NLRB slip op. at 14. Just as that rationale was sufficient in *Ethicon* for dismissal of the allegation, so too should the rationale be sufficient in the cases now

before the Board. Accordingly, the Hospital respectfully reiterates its request for dismissal of the allegations.

Respectfully submitted,

/s/ \_\_\_\_\_

Bryan T. Carmody, Esq.  
Attorney for Respondent  
134 Evergreen Lane  
Glastonbury, Connecticut 06033  
(203) 249-9287  
[bryancarmody@bellsouth.net](mailto:bryancarmody@bellsouth.net)

cc: Adam Morrison, Counsel for the General Counsel  
Gene Mechanic, Counsel for the Charging Party